

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 93-07-11; PROVIDING FOR BUILDING HEIGHT REGULATIONS IN SECTIONS 9 THROUGH 32 (ZONING DISTRICTS), SECTION 36 (SPECIAL AND ADDITIONAL SUPPLEMENTARY REGULATIONS) AND SECTION 42 (DEFINITIONS); PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that Sections 9 through 32 (Zoning Districts), Section 36 (Special and Additional Supplementary Regulations) and Section 42 (Definitions) of the City of Frisco, Texas' ("Frisco") Comprehensive Zoning Ordinance No. 93-07-11 providing for building height regulations, should be amended; and

WHEREAS, Frisco has complied with all notices and public hearings as required by law; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to amend Frisco's Comprehensive Zoning Ordinance No. 93-07-11 as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Sections 9 through 32 of Frisco's Comprehensive Zoning Ordinance No. 93-07-11. Sections 9.3(D), 10.3(D), 11.3(D), 12.3(D), 13.3(D), 14.3(D), 15.3(D), 16.3(D), 17.3(A), 18.3(E), 19.3(D), 20.3(E), 21.3(E), 22.3(G), 24.3(C), 25.3(C), 26.3(C), 27.3(C), 28.3(C), 29.3(C), 30.3(C), 31-1.3(D), 31-2.3(D) and 32.3(C) of Frisco's Comprehensive Zoning Ordinance No. 93-07-11 providing for building height is hereby amended to read as follows:

Section 9 A - Agricultural District

9.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 10 RE - Residential Estate District

10.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 11 SF-1 - Single-Family-1 District

11.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 12 SF-2 - Single-Family-2 District

12.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 13 SF-3 - Single-Family-3 District

13.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 14 SF-4 - Single-Family-4 District

14.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 15 SF-5 - Single-Family-5 District

15.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 16 SF-6 - Single-Family-6 District

16.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 17 PH - Patio Home District

17.3(A) Maximum Height - two (2) stories no greater than forty (40) feet

Section 18 TH - Townhome District

18.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 19 2F - Two-Family Residential District (Duplex)

19.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 20 MF-1 - Multi-Family-1 District

20.3 (E) Maximum Height - two (2) stories no greater than forty (40) feet

Section 21 MF-2 - Multi-Family-2 District

21.3 (E) Maximum Height – three (3) stories no greater than fifty (50) feet

Section 22 MH - Mobile Home District

22.3 (G) Maximum Height – one (1) story no greater than twenty (20) feet

Section 23 O-1 - Office-1 District

23.3 (C) Maximum Height:

1. one (1) story no greater than thirty (30) feet
2. two (2) stories no greater than forty (40) feet within sixty (60) feet from a property zoned or developed as Single-Family or Two-Family

Section 24 O-2 - Office-2 District

24.3 (C) Maximum Height - No maximum

Section 25 NS - Neighborhood Services District

25.3 (C) Maximum Height - one (1) story no greater than thirty (30) feet

Section 26 R - Retail District

26.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 27 OT - Original Town District

27.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 28 C-1 - Commercial-1 District

28.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 29 C-2 - Commercial-2 District

29.3 (D) Maximum Height - two (2) stories no greater than forty (40) feet

Section 30 H - Highway District

30.3 (C) Maximum Height - No maximum, but height is limited to two (2) stories no greater than forty (40) feet within two hundred (200) feet of property zoned or developed as Single-Family or Two-Family

Section 31-1 CO - Corporate Office District

31-1.3 (D) Maximum Height - No maximum

Section 31-2 IT - Information & Technology District

31-2.3 (D) Maximum Height – twelve (12) stories no greater than one hundred seventy five (175) feet

Section 32 I - Industrial District

32.3 (C) Maximum Height - No maximum

SECTION 3: Amendment to Section 36 of Frisco's Comprehensive Zoning Ordinance

No. 93-07-11. Section 36.5(A) (Special and Additional Supplementary Regulations) of Frisco's Comprehensive Zoning Ordinance No. 93-07-11 is hereby amended to read as follows:

Section 36 Special and Additional Supplementary Regulations

36.5 Special Height Regulations

- A. Water stand pipes and tanks, church steeples, domes, and spires, school buildings, and institutional buildings may be erected to exceed three (3) stories in height, provided that one (1) additional foot shall be

added to the width and depth of front, side, and rear yards for each foot that such structures exceed three (3) stories.

Ornamental features in all non-residential zoning districts may exceed the maximum building height provided that the ornamental feature does not contain floor area and provided the required setbacks for the ornamental feature are increased by two (2) feet for every one (1) foot that the ornamental feature exceeds the maximum height. Ornamental features shall be defined as towers, spires, steeples, and cupolas.

SECTION 4: Amendment to Section 42 of Frisco's Comprehensive Zoning Ordinance No. 93-07-11. Section 42.1 – Building Height (Definitions) of Frisco's Comprehensive Zoning Ordinance No. 93-07-11 is hereby amended to read as follows:

Section 40 Definitions

BUILDING HEIGHT - The vertical distance between the average of the highest and lowest points of grade of that portion of the lot covered by the building to the highest point of a structure.

SECTION 5: Penalty Provision: Any person, firm, corporation or business entity violating this Ordinance or any provision of Frisco's Comprehensive Zoning Ordinance No. 93-07-11, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Savings/Repealing Clause: Frisco's Comprehensive Zoning Ordinance No. 93-07-11 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 7: Severability: Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance

shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 8: Effective Date: This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this _____ day of _____ 2000.

KATHLEEN A. SEEI, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:

APPROVED AS TO FORM:

NAN PARKER
City Secretary

ABERNATHY, ROEDER, BOYD & JOPLIN,
P.C.
RICHARD M. ABERNATHY
City Attorneys

DATE OF PUBLICATION: _____, *Frisco Enterprise*